

Honorable Ricardo S. Martinez
Honorable David W. Christel

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re MCG Health Data Security Issue
Litigation

Case No. 2:22-cv-849-RSM-DWC

**STIPULATED MOTION RE: BRIEFING
SCHEDULE AND PAGE LIMITS ON
BRIEFING ON DEFENDANT'S MOTION
TO DISMISS CONSOLIDATED
COMPLAINT**

**NOTE ON MOTION CALENDAR:
October 27, 2022**

STIPULATION

The parties, by and through their undersigned counsel of record, respectfully request that the Court enter a briefing schedule and grant leave to file overlength briefs relating to Defendant's forthcoming Rule 12(b)(6) Motion to Dismiss (to be filed on October 31, 2022) as follows: 40 pages for Defendant's Motion and Plaintiffs' Response, and 20 pages for Defendant's Reply. These page limits exceed the pages permitted under LCR 7(e)(3).

Good cause for the additional pages is as follows:

1. On August 17, 2022, the Court consolidated nine related putative class actions. Dkt. 31. On September 16, 2022, Plaintiffs in ten related cases filed the Consolidated Complaint. Filed on behalf of 16 Plaintiffs, the Consolidated Complaint is 116 pages, including 525 paragraphs and 22 claims. Dkt. 32. The claims are wide-ranging. All Plaintiffs join in five

1 common law and two Washington statutory claims: negligence; breach of third-party beneficiary
2 contract; breach of confidence; unjust enrichment; invasion of privacy; violation of the
3 Washington Consumer Protection Act; and violation of the Washington Uniform Health
4 Information Act. The remaining claims are brought by individual Plaintiffs under state statutes
5 of California, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, and
6 Ohio.

7 2. Defendant intends to file a motion to dismiss all 22 claims in the Consolidated
8 Complaint. Given the sheer length of the Consolidated Complaint and the number of claims (and
9 associated defenses), additional pages beyond the normally allowed 24 pages are necessary to
10 adequately address the factual allegations and legal issues at issue.

11 3. Thus, there is good cause for the Court to allow the parties to submit briefs in
12 support of and in response to the Motion to Dismiss of no more than 40 pages each, and a reply
13 brief of no more than 20 pages.

14 4. In addition, the complexity of the briefing will require additional time for the
15 Plaintiffs to file a response to Defendant's Motion to Dismiss. The parties previously agreed that
16 they would meet and confer and submit a stipulation regarding an appropriate briefing schedule
17 (Dkt. 30), which was ordered by the Court on August 17, 2022 (Dkt. 31). The parties therefore
18 request that the Court enter the following briefing schedule:

19 Plaintiffs' Deadline to file Response to Motion to Dismiss: December 9, 2022

20 Defendant's Deadline to file Reply to Motion to Dismiss: January 13, 2023

21 4. The parties respectfully request that the Court enter the order set forth below.

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23 STIPULATED TO this 27th day of October, 2022

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Respectfully submitted,

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ORDER

Based on the foregoing stipulation, the Court ORDERS that the parties may submit briefs in support of and in response to the Motion to Dismiss of no more than 40 pages each, and a reply brief of no more than 20 pages. The Court further ORDERS that Plaintiffs' Response to the Motion to Dismiss shall be due December 9, 2022 and Defendant may file a Reply to the Motion by January 13, 2023.

DATED 31st day of October, 2022.



David W. Christel
United States Magistrate Judge